



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,671	06/25/2003	Yukinori Noguchi	2091-0286P	1973
2292 7590 04/18/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
BAUM, RONALD				
ART UNIT		PAPER NUMBER		
2139				
NOTIFICATION DATE		DELIVERY MODE		
04/18/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/602,671

**Applicant(s)**

NOGUCHI, YUKINORI

**Examiner**

RONALD BAUM

**Art Unit**

2139

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 20080327
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the pre-appeal brief request for review filed on 10 December 2007, PROSECUTION IS HEREBY REOPENED. The finality of the previous action is withdrawn, and in view of newly discovered prior art, a new grounds for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

2. Claims 1-5 are pending for examination.
3. Claims 1-5 remain rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Enokida, U.S.

Patent 6,473,859 B1.

4. As per claim 1; "An image data management apparatus comprising:

property information obtaining means for obtaining property information of

an image data set to be managed [Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, whereas the managing of image datasets (' image data set to be managed ') used for a plurality of purposes via the encoding, hierarchical/selective encryption and associated tagging and subsequent appending to the image datasets of image properties (' property information '), allowing for selective (' obtaining means for ') decoding/decryption insofar as the support of copyright infringement/reproduction rights is preserved, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];

security processing method setting means for setting a security processing method for

each of items of the property information [Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, and more particularly, figures 5, 7, 10, whereas the managing of image datasets, hierarchical/selective encryption and associated cryptographic properties determination (' security processing method setting means ') appending to the image datasets as a function of the of image properties so selected, clearly encompasses the claimed limitations as broadly interpreted by the examiner.]; security processing means for carrying out security processing on

each of the items of the property information according to  
the security processing method that has been set [Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, and more particularly, figures 5, 7, 10, whereas the managing of image datasets, hierarchical/selective encryption ('security processing means') and associated cryptographic properties determination as a function of the of image properties so selected, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];  
attachment means for attaching  
the property information having been subjected to  
the security processing to the image data set [Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, and more particularly, figures 4, 5, whereas the managing of image datasets, hierarchical/selective encryption as a function of the of image properties so selected and subsequently appended, clearly encompasses the claimed limitations as broadly interpreted by the examiner.]; and  
image data storage means for storing the image data set  
attached with the property information [Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, and more particularly, figures 4, 5, whereas the managing of image datasets, hierarchical/selective encryption as a function of the of image properties so selected and subsequently appended/stored, clearly encompasses the claimed limitations as broadly interpreted by the examiner.],  
wherein said property information obtaining means includes at least one of  
image analysis means for

obtaining the property information of the image data set by  
analyzing the image data set and  
input means for

inputting items constituting the property information,  
the input means being used by a user to

input the items of the property information [Abstract, col. 1, lines  
46-67, figures 1-11 and associated descriptions, whereas the managing of  
image datasets via the encoding, hierarchical/selective encryption and  
associated tagging and subsequent appending to the image datasets of  
image properties, inclusive of those properties determined by spectral-  
selection (frequency band property determination, etc.,) and user rights  
oriented properties, allowing for selective decoding/decryption insofar as  
the support of copyright infringement/reproduction rights is preserved,  
clearly encompasses the claimed limitations as broadly interpreted by the  
examiner.]”.

5. Claim 2 *additionally recites* the limitation that; “An image data management apparatus as defined in claim 1, further comprising:

attachment decision means for

setting whether each of the items of the property information  
is attached to the image data set; and

property information storage means for storing, in relation to the image data set,

the item or items of the property information  
that have been set to be not attached,  
wherein the attachment means attaches only  
the remaining items of the property information that  
have been set to be attached.”.

The teachings of Enokida suggest such limitations (Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, whereas the managing of image datasets and associated tagging and subsequent appending to the image datasets of image properties, inclusive of those tags dealing with user rights oriented properties, allowing for *selective* decoding/decryption insofar as the support of copyright infringement/reproduction rights is preserved, clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

6. Claim 3 *additionally recites* the limitation that; “An image data management apparatus as defined in claim 1, wherein

the security processing method  
that can be set by the security processing method setting means refers to  
no processing,  
encryption processing, or  
electronic watermark processing.”.

The teachings of Enokida suggest such limitations (Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, whereas the managing of image datasets and associated tagging and subsequent appending to the image datasets of image properties, inclusive of those tags dealing

with user rights oriented properties, allowing for *selective* (i.e., no encryption/decryption to full encryption/decryption at any specified properties/ hierarchical level) decoding/decryption insofar as the support of copyright infringement/reproduction rights is preserved, clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

7. Claim 4 ***additionally recites*** the limitation that; “An image data management apparatus as defined in claim 1, wherein

the image data storage means and

the property information storage means are

connected to each other via a network.”.

The teachings of Enokida suggest such limitations (Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, whereas the managing of image datasets and associated tagging and subsequent appending to the image datasets of image properties, inclusive of those tags dealing with user rights oriented properties, allowing for *selective* decoding/decryption insofar as the support of copyright infringement/reproduction rights is preserved in a client/server network (i.e., the network at a LAN, WAN Internet, etc., level), clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

8. Claim 5 ***additionally recites*** the limitation that; “An image data management apparatus as defined in any one of claims 1 to 4, wherein

the property information includes

an item representing a parameter of image processing



to be carried out on the image data set.”.

The teachings of Enokida suggest such limitations (Abstract, col. 1, lines 46-67, figures 1-11 and associated descriptions, whereas the managing of image datasets via the encoding, hierarchical/selective encryption and associated tagging and subsequent appending to the image datasets of image properties, inclusive of those properties determined by spectral-selection ('item representing a parameter of image processing'; frequency band property determination, etc.,) and user rights oriented properties, allowing for selective decoding/decryption insofar as the support of copyright infringement/reproduction rights is preserved, clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

#### ***Response to Arguments***

9. Applicant's arguments with respect to the lack of teachings of Kuzma to the claimed invention have been considered, but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum  
Patent Examiner

/R. B./

Examiner, Art Unit 2139

/Kristine Kincaid/

Supervisory Patent Examiner, Art Unit 2139